

REMARKS

This is in response to the Office Action mailed June 22, 2004. In the Office Action, all claims 1-5 were rejected. With this Amendment, claims 1 and 3 are amended, claim 2 is cancelled, and the remaining claims are unchanged in the application.

Section Two of the Office Action indicated that claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Lucero (U.S. Patent 4,883,505). Applicants note that independent claim 1 has now been amended to recite, in combination, the subject matter originally set forth in dependent claim 2. Accordingly, Applicants respectfully believe that the anticipation rejection set forth in Section Two of the Office Action has now been overcome.

Sections Five and Six of the Office Action indicated that claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lucero. With respect to claim 2, the Office Action asserted that FIG. 1 shows a single enclosure that has two visible compartments/sections. In response, Applicants respectfully submit that the subject matter of original dependent claim 2 (now set forth in amended claim 1) not only recites two separate compartments of the single enclosure, but that the two compartments are maintained at different temperatures with respect to one another. This feature is neither taught nor suggested by Lucero. Accordingly, Applicants respectfully submit that amended independent claim 1 is allowable over Lucero. Moreover, Applicants respectfully submit that dependent claims 3-5 are allowable as well by virtue of their dependency, either directly or indirectly, therefrom.

Section Seven of the Office Action indicated that claims 1 and 2, among others, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Navarre (U.S. Patent 4,578,986). With respect to the subject matter of original claim

2, the Office Action asserted that Column 2, lines 29-31 of Navarre disclose a "probe chamber." In response, Applicants have amended independent claim 1 to recite that the single enclosure is disposed externally to the emission source. This is in distinct contrast to the probe chamber 3 of Navarre that is a component of stack probe 2 which "extends into the kiln 1." Column 2, lines 59-60. Applicants respectfully submit that Navarre does not, in fact, teach or suggest a single sample handling enclosure disposed externally of the emission source and having a pair of compartments maintained at different temperatures with respect to one another. Accordingly, Applicants respectfully submit that amended claim 1 is allowable over Navarre. Moreover, Applicants respectfully submit that dependent claims 3-5 are allowable as well by virtue of their dependency, either directly or indirectly, therefrom.

In conclusion, Applicants respectfully submit that the entire application is now in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Christopher R. Christenson, Reg. No. 42,413
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

CRC:sew